

115TH CONGRESS
1ST SESSION

S. 1790

To amend the Internal Revenue Code of 1986 to improve college savings under section 529 programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2017

Mr. BURR (for himself, Mr. CASEY, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to improve college savings under section 529 programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Boost Saving for Col-
5 lege Act”.

6 **SEC. 2. CREDIT FOR CONTRIBUTIONS TO 529 PLANS.**

7 (a) IN GENERAL.—Subsection (d) of section 25B of
8 the Internal Revenue Code of 1986 (relating to elective
9 deferrals and IRA contributions by certain individuals) is
10 amended by redesignating paragraph (2) as paragraph (3)

1 and by inserting after paragraph (1) the following new
2 paragraph:

3 “(2) CONTRIBUTIONS TO QUALIFIED TUITION
4 PROGRAMS.—

5 “(A) IN GENERAL.—The term ‘qualified
6 savings contribution’ includes the amount of
7 any purchase or contribution described in para-
8 graph (1)(A) of section 529(b) to a qualified
9 tuition program (as defined in such section)
10 if—

11 “(i) the taxpayer has the power to au-
12 thorize distributions and otherwise admin-
13 ister the account, and

14 “(ii) the designated beneficiary of
15 such purchase or contribution is the tax-
16 payer, the taxpayer’s spouse, or an indi-
17 vidual with respect to whom the taxpayer
18 is allowed a deduction under section 151.

19 “(B) LIMITATION BASED ON COMPENSA-
20 TION.—The amount treated as a qualified sav-
21 ings contribution by reason of subparagraph
22 (A) for any taxable year shall not exceed the
23 sum of—

24 “(i) the compensation (as defined in
25 section 219(f)(1)) includible in the tax-

1 payer's gross income for the taxable year,
2 and

3 “(ii) the amount excluded from the
4 taxpayer's gross income under section 112
5 (relating to combat pay) for such year.

6 “(C) DETERMINATION OF ADJUSTED
7 GROSS INCOME.—Solely for purposes of deter-
8 mining the applicable percentage under sub-
9 section (b) which applies with respect to the
10 amount treated as a qualified savings contribu-
11 tion by reason of subparagraph (A), adjusted
12 gross income (determined without regard to this
13 subparagraph) shall be increased by the excess
14 (if any) of—

15 “(i) the social security benefits re-
16 ceived during the taxable year (within the
17 meaning of section 86), over

18 “(ii) the amount included in gross in-
19 come for such year under section 86.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) Section 25B of such Code is amended by
22 striking “qualified retirement savings” each place it
23 appears in the text and inserting “qualified sav-
24 ings”.

1 (2) The subsection heading for section 25B(d)
 2 of such Code is amended by striking “RETIRE-
 3 MENT”.

4 (3) Subparagraph (A) of section 25B(d)(3) of
 5 such Code, as redesignated by subsection (a), is
 6 amended—

7 (A) by striking “paragraph (1)” the first
 8 place it appears and inserting “paragraph (1)
 9 or (2)”, and

10 (B) by striking “paragraph (1)” the sec-
 11 ond place it appears and inserting “paragraph
 12 (1), or (2), as the case may be,”.

13 (4) The heading for section 25B of such Code
 14 is amended by striking “**AND IRA CONTRIBU-**
 15 **TIONS**” and inserting “, **IRA CONTRIBUTIONS,**
 16 **AND QUALIFIED TUITION PROGRAM CONTRIBU-**
 17 **TIONS**”.

18 (5) The table of sections for subpart A of part
 19 IV of subchapter A of chapter 1 of such Code is
 20 amended by striking the item relating to section 25B
 21 and inserting the following new item:

“Sec. 25B. Elective deferrals, IRA contributions, and qualified tuition program
 contributions by certain individuals.”.

22 (c) **EFFECTIVE DATE.**—The amendments made by
 23 this section shall apply to contributions made after De-
 24 cember 31, 2017, in taxable years ending after such date.

1 **SEC. 3. EXCLUSION FROM GROSS INCOME FOR EMPLOYER**
2 **CONTRIBUTIONS TO QUALIFIED TUITION**
3 **PROGRAMS.**

4 (a) IN GENERAL.—Part III of subchapter B of chap-
5 ter 1 of the Internal Revenue Code of 1986 (relating to
6 items specifically excluded from gross income) is amended
7 by inserting after section 127 the following new section:

8 **“SEC. 127A. EMPLOYER CONTRIBUTIONS TO QUALIFIED**
9 **TUITION PROGRAMS.**

10 “(a) IN GENERAL.—Gross income of an employee
11 does not include amounts paid by the employer as con-
12 tributions to a qualified tuition program held by the em-
13 ployee or spouse of the employee if the contributions are
14 made pursuant to a program which is described in sub-
15 section (c).

16 “(b) MAXIMUM EXCLUSION.—

17 “(1) IN GENERAL.—The amount excluded from
18 the gross income of an employee under this section
19 for the taxable year shall not exceed \$1,000.

20 “(2) INFLATION ADJUSTMENT.—

21 “(A) IN GENERAL.—In the case of any
22 taxable year beginning in a calendar year after
23 2018, the \$1,000 amount contained in para-
24 graph (1) shall be increased by an amount
25 equal to—

26 “(i) such dollar amount, multiplied by

1 “(ii) the cost-of-living adjustment de-
2 termined under section 1(f)(3) for the cal-
3 endar year in which the taxable year be-
4 gins, determined by substituting ‘calendar
5 year 2017’ for ‘calendar year 1992’ in sub-
6 paragraph (B) thereof.

7 “(B) ROUNDING.—Any increase deter-
8 mined under subparagraph (A) shall be rounded
9 to the nearest multiple of \$50.

10 “(c) QUALIFIED TUITION ASSISTANCE PROGRAM.—
11 For purposes of this section, a qualified tuition assistance
12 program is a separate written plan of an employer for the
13 benefit of such employer’s employees—

14 “(1) under which the employer makes matching
15 contributions to qualified tuition programs of—

16 “(A) such employees,

17 “(B) their spouses, or

18 “(C) any individual with respect to whom
19 such an employee or spouse—

20 “(i) is allowed a deduction under sec-
21 tion 151, and

22 “(ii) has the power to authorize dis-
23 tributions and otherwise administer such
24 individual’s account under the qualified
25 tuition program, and

1 “(2) which meets requirements similar to the
2 requirements of paragraphs (2), (3), (4), (5), and
3 (6) of section 127(b).

4 “(d) DEFINITIONS AND SPECIAL RULES.—For pur-
5 poses of this section—

6 “(1) QUALIFIED TUITION PROGRAM.—The term
7 ‘qualified tuition program’ means a qualified tuition
8 program as defined in section 529(b).

9 “(2) EMPLOYEE AND EMPLOYER.—The terms
10 ‘employee’ and ‘employer’ shall have the meaning
11 given such terms by paragraphs (2) and (3), respec-
12 tively, of section 127(c).

13 “(3) APPLICABLE RULES.—Rules similar to the
14 rules of paragraphs (4), (5), (6), and (7) of section
15 127(c) shall apply.

16 “(e) CROSS REFERENCE.—For reporting and record-
17 keeping requirements, see section 6039D.”.

18 (b) EXCLUSION FROM EMPLOYMENT TAXES.—

19 (1) Sections 3121(a)(18), 3306(b)(13), and
20 3401(a)(18) of such Code are each amended by in-
21 serting “127A,” after “127,” each place it appears.

22 (2) Section 3231(e)(6) of such Code is amended
23 by striking “section 127” and inserting “section 127
24 or 127A”.

1 (c) REPORTING AND RECORDKEEPING REQUIRE-
2 MENTS.—Section 6039D(d)(1) of such Code is amended
3 by inserting “127A,” after “127,”.

4 (d) OTHER CONFORMING AMENDMENTS.—

5 (1) Sections 125(f), 414(n)(3)(C), and
6 414(t)(2) of such Code are each amended by insert-
7 ing “127A,” after “127,” each place it appears.

8 (2) Section 132(j)(8) of such Code is amended
9 by striking “section 127” and inserting “section 127
10 or 127A”.

11 (3) Section 221(d)(2)(A) of such Code is
12 amended by inserting “127A,” after “127”.

13 (4) Section 1397(a)(2)(A) of such Code is
14 amended by inserting at the end the following new
15 clause:

16 “(iii) Any amount paid or incurred by
17 an employer which is excludable from the
18 gross income of an employee under section
19 127A, but only to the extent paid or in-
20 curred to a person not related to the em-
21 ployer.”.

22 (5) Section 209(a)(15) of the Social Security
23 Act (42 U.S.C. 409(a)(15)) is amended by striking
24 “or 129” and inserting “, 127A, or 129”.

1 (e) CLERICAL AMENDMENT.—The table of sections
 2 for part III of subchapter B of chapter 1 of such Code
 3 is amended by inserting after the item relating to section
 4 127 the following new item:

“Sec. 127A. Employer contributions to qualified tuition programs.”.

5 (f) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to taxable years beginning after
 7 December 31, 2017.

8 **SEC. 4. SPECIAL ROLLOVER TO ROTH IRA FROM LONG-**
 9 **TERM QUALIFIED TUITION PROGRAM.**

10 (a) IN GENERAL.—Paragraph (3) of section 529(c)
 11 of the Internal Revenue Code of 1986 is amended by add-
 12 ing at the end the following new subparagraph:

13 “(E) SPECIAL ROLLOVER TO ROTH IRA
 14 FROM LONG-TERM QUALIFIED TUITION PRO-
 15 GRAM.—For purposes of this section—

16 “(i) IN GENERAL.—In the case of a
 17 distribution from a qualified tuition pro-
 18 gram which has been maintained by an ac-
 19 count owner for the 10-year period ending
 20 on the date of such distribution—

21 “(I) subparagraph (A) shall not
 22 apply to any portion of such distribu-
 23 tion which, not later than 60 days
 24 after such distribution, is paid into a
 25 Roth IRA maintained for the benefit

1 of such account owner or the des-
2 ignated beneficiary under such quali-
3 fied tuition program, and

4 “(II) such portion shall be treat-
5 ed as a rollover contribution for pur-
6 poses of section 408A(e).

7 “(ii) LIMITATION.—Clause (i) shall
8 only apply to so much of any distribution
9 as does not exceed the lesser of—

10 “(I) the amount applicable to the
11 account owner under section
12 408A(e)(2) for the taxable year, or

13 “(II) the aggregate amount con-
14 tributed to the program (and earnings
15 attributable thereto) before the 5-year
16 period ending on the date of the dis-
17 tribution.”.

18 (b) QUALIFIED ROLLOVER CONTRIBUTION.—Para-
19 graph (1) of section 408A(e) of such Code is amended by
20 striking the period at the end of subparagraph (B) and
21 inserting “, and” and by inserting after subparagraph (B)
22 the following new subparagraph:

23 “(C) from a qualified tuition program to
24 the extent provided in section 529(c)(3)(E).”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to distributions after
3 December 31, 2017.

4 **SEC. 5. ROLLOVERS TO ABLE PROGRAMS FROM 529 PRO-**
5 **GRAMS.**

6 (a) IN GENERAL.—Clause (i) of section 529(c)(3)(C)
7 of the Internal Revenue Code of 1986 is amended by strik-
8 ing “or” at the end of subclause (I), by striking the period
9 at the end of subclause (II) and inserting “, or”, and by
10 adding at the end the following:

11 “(III) to an ABLE account (as
12 defined in section 529A(e)(6)) of the
13 designated beneficiary.

14 Subclause (III) shall not apply to so much
15 of a distribution which, when added to all
16 other contributions made to the ABLE ac-
17 count for the taxable year, exceeds the lim-
18 itation under section 529A(b)(2)(B).”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to distributions after the date of
21 the enactment of this Act.

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